7516288/2023/COURTS-B-HOM01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants - Allegation of corruption against Sri Sanathana Bhaarath, Legal Aid Advocate, District Legal Services Authority, SPSR Nellore District in Crime No: 24/RCT-ACB-NNL/2020 Trapped on 03.03.2020 at the House Cum Office of Sri Sanathana Bhaarath, 2nd Floor, D.No. 24-4-257, Shanti Nagar, Nellore City SPSR Nellore District - Sanction of prosecution under the Prevention of Corruption (Amendment) Act, 2018 - Accorded - Orders - Issued.

HOME (COURTS-B) DEPARTMENT

GO Ms.No.99 **Dated: 17.05.2023**

ORDER:-

1. Whereas, Sri Sanathana Bhaarath, Legal Aid Advocate, District Legal Services Authority, SPSR Nellore District worked as Legal aid advocate from 31.01.2020 to 03.03.2020. By virtue of post held by him, he falls under the category of a Public Servant as defined under section 2(c) of the Prevention of Corruption Act 1988 (As amended by Act 16 of 2018).

2. And whereas, Smt. Kesavarapu Kavitha is a resident of Kacherimitta, Kavali Town. Previously she worked as a Principal at Sri Chaitanya Techno School and presently staying at home only. She is the Complainant in Crime No. 110/2018 of Chinna Bazaar Police Station, Nellore City. The trial in this case was commenced in the Hon'ble VIII ADJ and Sessions Judge cum Special Court, Nellore vide SC. No. 171/2019. As the Additional Public Prosecutor, Sri Prasad was not conducting her case properly and failed to produce the witnesses and their evidence before the court, she placed the issue before the Hon'ble District Collector, Sri Seshagiri Rao of SPSR Nellore District. Then the District Collector brought the issue to the notice of the Hon'ble Court as well as the District Legal Services Authority. The Secretary, the District Legal Services Authority under Section 12 (c) & 13 of the Legal Services Authorities Act, 1987, AP State Legal Services Authority Rules, 1995 and AP State Legal Services Authority Regulations, 1996 appointed Sri S. Bhaarath, Advocate as a Legal Aid Advocate in her case by an order on 31.01.2020. Thereafter, the trial in the case i.e., SC. No. 171/2019 was held on 03.02.2020 and 17.02.2020. After the adjournment the said S. Bhaarath, Advocate put his signature on her petition. Later, the case was adjourned to 06.03.2020. In the adjournment held on 17.2.2020, Sri S. Bhaarath did not respond properly in her case. When she questioned him about the improper response in her case, he told that if she gives rupees Ten lakhs he will produce the witnesses and their evidence properly before the Hon'ble court. On the very next day i.e. on 18.2.2020 Sri S. Bhaarath called from his mobile No. 9440506782 to her mobile No. 8096407517 and once again informed that if she gives bribe amount Rs. 10 Lakhs only he will handle the case properly and otherwise not. At that time she recorded the conversation that took place between Sri S. Bhaarath and her through her phone. Since then the said Sri Sanathana Bhaarath asked her several times over the phone that why she is not bringing the

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bribe amount as the adjournment was coming very near and further told that if she did not give bribe amount he will not handle the case properly. As he pressurized to bring the money to his office, on 28.02.2020 she went to Nellore and met Sri S. Bhaarath at his residence at Shantinagar, Nellore and discussed about her case. Then Sri S. Bhaarath informed that without the bribe amount of at least Rs. 2,00,000/- as an advance, he would not handle the case properly. As there was no other go, she agreed to pay the demanded advance bribe amount. Then Sri Sanathana Bhaarath told her to bring the amount of Rs. 2,00,000/- to his residence located in Shanthinagar within two or three days. As Smt. K. Kavitha was not interested to pay the bribe amount of Rs. 2,00,000/- to Sri S. Bhaarath, she approached the ACB Officials and narrated the facts of the case by producing the recorded voice along with the order copy issued by the Secretary, District Legal Services Authority, Nellore gave a complaint and requested to initiate necessary action against Sri S. Bhaarath and do justice.

3. And whereas after following due procedure the DSP, ACB, SPSR Nellore District, the complaint of Smt. Kesavarapu Kavitha was registered as a case in Cr.No.2/RCT-ACB-NLR/2020 u/s 7(a) of PC(Amendment) Act, 2018 of ACB, Nellore Range, Nellore on 03.03.2020 at 13.00 hours and took up investigation.

4. And whereas, Sri S.Bhaarath was trapped on 03.03.2020 at 15.45 hrs, at the house cum office situated at II Floor of the D.No.24-4-257, near Sri Chennakesava Swamy Temple, Shanthi Nagar, Nellore City, when he further demanded and accepted the bribe amount of Rs. 2,00,000/- for doing an official favor i.e."to give necessary Legal Aid to the De-facto Complainant Smt. K. Kavitha and if necessary to assist the Prosecution in Cr. No. 110/2018 of Chinna Bazar PS, Nellore vide SC. No. 171/2019.". Sri Sanathana Bhaarath received the bribe amount with his right hand from Smt. K. Kavitha counted the bribe amount with both hands and kept the same in a news paper cover and that cover was wrapped in a white & brown colored cloth bag. On receipt of pre arranged signal, the ACB Officials caught Sri Sanathana Bhaarath and conducted chemical test on the both hand fingers of Sri Sanathana Bhaarath which yielded positive result. The tainted currency notes were recovered from a EEnadu paper cover dated 07.03.2019 which was kept in a cloth bag named as Ahinsa Suitings from his table drawer at the instance of Sri Sanathana Bhaarath. The Mediators counted and compared the serial numbers and denominations of the currency notes which are already noted in the Pre Trap proceedings and found them tallied. Chemical test also conducted in the inner linings of the Eenadu paper cover which came into contact with the tainted currency notes and it also yielded positively. The DSP, ACB, Nellore seized the said currency amount of Rs.2,00,000/- along with 3 sealed bottles containing chemical washes. On the request of DSP, ACB, Nellore Sri Sanathana Bhaarath produced the connected records pertaining to Smt. K. Kavitha who is the Victim / Complainant in SC No. 171/2019 of VIII Additional District and Sessions Judge cum Spl. Court, Nellore City which consisted of 121 pages and the same was seized for the purpose of investigation.

5. And whereas Sri Sanathana Bhaarath, Legal Aid Advocate, District Legal Services Authority SPSR Nellore District from 31.01.2020 to 21.03.2020 had abused his official position took undue advantage opted to corrupt and illegal means and received the bribe amount of Rs. 2,00,000/- from Smt. Kesavarapu Kavitha and thereby gained pecuniary advantage which constitutes an offences punishable u/s 7 (a) of Prevention of Corruption (Amendment) Act 2018.

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6 And whereas, the Government of Andhra Pradesh being the competent authority to remove Sri Sanathana Bhaarath, Legal Aid Advocate, District Legal Services Authority, SPSR Nellore District from his office after fully and carefully examining the materials viz. copy of FIR, report of Smt. Kesavarapu Kavitha, Mediators Reports I & II, copies of 161 Cr.P.C statements of the witnesses, 164 Cr.P.C statement of Smt. Kesavarapu Kavitha & the records seized by the DSP, ACB, Nellore and Final Investigation Report of the DG, ACB, etc placed before them in respect of the aforesaid allegation and having regard to the facts and circumstances of the case consider that the above said Sri Sanathana Bhaarath should be prosecuted in a court of Law.

7. Now, therefore in the exercise of the powers conferred by clause (b) of Sub-Section(1) of Section 19 of Prevention of corruption (Amendment) Act, 2018, the Government of Andhra Pradesh hereby accord Sanction for the Prosecution of the said Sri Sanathana Bhaarath, previously worked as Legal Aid Advocate, District Legal Services Authority, SPSR Nellore District for the offences punishable u/s 7(a) of Prevention of Corruption (Amendment) Act, 2018 and for any other cognate offences punishable under any other provisions of law for the time being in force in respect of the aforesaid acts and for taking cognizance of the said offences by a Court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

(G SATYA PRABHAKAR RAO
SECRETARY TO GOVERNMENT
LEGAL & LEGISLATIVE AFFAIRS AND JUSTICE)

To
The Director General,
Anti Corruption Bureau,
Andhra Pradesh,
Vijayawada.

Secretary to Government,
Legal and Legislative Affairs and Justice,
Law Department,
A.P. Secretariat, Amaravathi.